

For Commission Use Only:

Case:

05-0782

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

FORMAL COMPLAINT

Illinois Commerce Commission

527 E. Capitol Avenue
Springfield, Illinois 62701

ORIGINAL

Regarding a complaint by (Person making the complaint):

Michael F. O'Connor

Against (Utility name):

Commonwealth Edison ("ComEd")

As to (Reason for complaint)

1) ComEd does not have the legal right to locate its poles on my property and run high voltage wires across and over my property
2) ComEd's high voltage lines are too close to my property/house in violation of the National Electric Safety Code
in Riverside Illinois.

TO THE ILLINOIS COMMERCE COMMISSION, SPRINGFIELD, ILLINOIS:

My mailing address is

160 Maplewood Road, Riverside, FL 60546

The service address that I am complaining about is

160 Maplewood Road, Riverside, FL 60546

My home telephone is

(708) 443-5588

Between 8:30 A.M. and 5:00 P.M. weekdays, I can be reached at

(312) 583-8724

(Full name of utility company)

Commonwealth Edison

to the provisions of the Illinois Public Utilities Act.

(respondent) is a public utility and is subject

In the space below, list the specific section of the law, Commission rule(s), or utility tariffs that you think is involved with your complaint.

1) REAL property Law

2) ICC Joint Committee on Administrative Rules Administrative Code - SECTION 305.20

Have you contacted the Consumer Services Division of the Illinois Commerce Commission about your complaint?

☒ Yes ☐ No

Has your complaint filed with that office been closed?

☐ Yes ☐ No NOT SURE

CHIEF CLERK'S OFFICE
2005 DEC - 8 P 1:03
ILLINOIS COMMERCE COMMISSION

Please state your complaint briefly. Number each of the paragraphs. Please include time period and dollar amounts involved with your complaint. Use an extra sheet of paper if needed.

SEE ATTACHED

Please clearly state what you want the Commission to do in this case:

SEE ATTACHED

Date: November 27, 2005
(Month, day, year)

Complainant's Signature

[Signature]

If an attorney will represent you, please give the attorney's name, address, and telephone number.



You need to file the original with the Commission. Also, provide one copy for each utility complained about (referred to as respondents).

VERIFICATION

A notary public must witness the completion of this part of the form.

I, MICHAEL F. O'CONNOR, first being duly sworn, say that I have read the above petition and know what it says.
The contents of this petition are true to the best of my knowledge.

(Signature)

[Signature]

Subscribed and sworn/affirmed to before me on (month, day, year)

December 1, 2005

Notary Public, Illinois

[Signature]



NOTE: Failure to answer all of the questions on this form may result in this form being returned without processing. If you have questions, please call the counselor in the Consumer Services Division that handled your informal complaint.

Summary of Complaint against Commonwealth Edison

1. Commonwealth Edison ("ComEd") does not have the legal right to locate its poles and wires on and over my property. There is no easement or other such third party right listed on the Deed to my home, my Plat of Survey or my Title Insurance Policy. No such easement or right is on file with the Cook County Recorder of Deeds
2. ComEd has provided me with documentation it claims supports its legal right to locate its poles and wires on and over my property. This documentation is not on file with the Cook County Recorder of Deeds. The description of the location of the poles and wires on my property contained in the document provided does not correspond to the physical location of the poles and wires per review of my Plat of Survey.
3. The proximity of ComEd's high voltage lines to the roof of my house is in violation of Section 305.20 of the ICC Administrative Code.
4. A number of my neighbors that live on Maplewood Road along the Des Plaines River have had their lines buried by Com Ed over the past years at little to no cost to them for purely aesthetic reasons. Based on my driving around the village, none of these neighbors or other homeowners in Riverside has high voltage lines within two to three feet of their home.
5. On July 26, 2005, two of ComEd's high voltage lines snapped and fell in my yard. There was no evidence of a tree limb or animal causing the lines to snap. The Riverside Fire Chief told me that Riverside is experiencing an increasing number of such instances because ComEd's Riverside infrastructure is old and out of date for the amount of power running through the lines. ComEd's proposed solution of replacing the existing poles with taller poles does not address this fundamental issue. Furthermore, the increased height of the poles would negatively affect my property value.
6. ComEd has dealt with me in bad faith by being initially unresponsive and not providing me with the information I have requested. ComEd has dramatically increased the cost estimate to bury the lines since I began a dialogue with them about the issue in September/October of 2004. ComEd has communicated to me that the increased estimate covers burying only a portion of the lines and does not include removal of the poles. ComEd has never provided me with a detailed cost estimate despite multiple requests to do so. ComEd now estimates that the gross cost to bury a portion of the lines, a distance of approximately 100 feet, could be in excess of \$60,000. I understand that that this estimate does not include removal of the existing poles, as not all lines would be buried.

Remedy Sought from the Illinois Commerce Commission

1. I request that I am granted a hearing before an ICC administrative law judge in order that facts in my situation are reviewed by an unbiased third party through the hearing of testimony and the submission of evidence.
2. I request the ICC find that ComEd does not have a legal right to locate its poles and wires on and over my property.
3. I request the ICC find that ComEd is in violation of Section 305.20 of the ICC Administrative Code
4. I request the ICC to direct ComEd to bury all lines and poles that are located on or over my property and that as consideration for such, I agree to sign a detailed easement containing terms and conditions mutually agreeable to both parties granting ComEd the right to locate and maintain such facilities on my property.